WEST VIRGINIA BROADBAND DEPLOYMENT COUNCIL

Wednesday, November 19, 2008 @ 9:00 a.m.

The second meeting of the West Virginia Broadband Deployment Council was held in Building 6, Room 6A on Wednesday, November 19, 2008, at 9:00 a.m.

The following members participated:

Lara Ramsburg, Vice-Chair
Jimmy Gianato
Elaine Harris
B. Keith Fulton (via phone)
Dr. Jan Fox
Jim Skidmore
Lee Fisher
Michael Keleman
Kyle Schafer, representing Secretary Rob Ferguson
Senator John Unger
Sonia Chambers (via phone)
Mike Friloux
Dr. Jack McClanahan, representing Dr. Steve Paine

Additional participants:

Les Shoemaker
Lynn McMaster
Mark Bayliss
Sarah Smith

After a quorum was established, Vice-Chair Ramsburg welcomed the Council and called the meeting to order.

Business

Vice Chair Ramsburg asked for the approval of the minutes from the October meeting of the Broadband Deployment Council. The Council approved the minutes with no objection.

The second order of business was to discuss any changes or additions to the Expression of Interest (EOI). At this time, Vice-Chair Ramsburg turned the meeting over to Jimmy Gianato, Director of Homeland Security and Emergency Management. Under the direction of Mr. Gianato, the Council discussed the EOI section by section.

Kyle Schaffer inquired as to whether price was a consideration in the EOI. Mr. Gianato explained that an EOI is strictly qualification based. Lee Fisher then asked if the Council had funding in place. Again, Mr. Gianato explained that the Council has funding through legislation and would be discussed at greater length once a vendor was selected.

In Section 1.9, it was noted that there needed to be a correction on the bid opening date. Instead of reading 2/1/09, the opening time should read 10:00 a.m. Further, in Section 1.18, a question was raised about the bonding requirement and it was noted that the bond requirement was equal to that of the award.

The next topic discussed was 3.1 and the use of the term un-served and underserved. Kyle Schaffer and Elaine Harris noted that un-served should be used as opposed to underserved. Jimmy Gianato and Vice Chair Ramsburg both agreed that un-served is the term used in the legislation. Mike Friloux asked the question whether it should be referenced in the EOI that the term un-served is referenced in the legislation.

In reference to 3.2.5, Sonia Chambers, of the WV Healthcare Authority asked if the selected consultant would be able to assist with preparing their required report to the committee. Jimmy Gianato responded that it would probably not be appropriate.

Lee Fisher then presented a question regarding sharing customer information. He asked how it is possible to serve the "un-served or underserved" unless you know who they are. Mike Keleman responded that all you need is an address and Mike Friloux noted that data collection agencies are generally very competent. Mike Friloux also asked what exactly the Council was asking the consultant to do; should it be clarified. Jimmy Gianato responded that the purpose of the EOI was to allow the vendor to share what they think they can do to serve the state's needs. Senator Unger also made the point that since it is a solicitation of ideas, the scope could be more narrowly drawn once a vendor is selected and negotiations begin.

Kyle Schafer asked about a time line and Jimmy Gianato responded that the effective date would be March 5, 2010. In reference to 3.15.15 on liquidated damages, a discussion ensued as to whether it should be $1000 or "up to $1000." It was decided that it would read "up to $1000" in the EOI.

Next came the discussion on the Categories and Points. Jimmy Gianato stated that it was open to changes – the only requirement is that the total equal 100. Mike Friloux asked if the interview could be left out and Jimmy Gianato explained that the interview has to be evaluated. Lee Fisher asked how experience was evaluated. Jimmy Gianato noted that most vendors will list past projects and that would allow the Council to follow up in that respect. Kyle Schafer asked if points 5 &6 could be combined to be a "delivery of milestones." Vice Chair Ramsburg agreed with the idea and the rest of the Council concurred.

Jan Fox brought up the fact that a major issue to this project is not just access, but also cost and thinks it should be addressed in the EOI. Lee Fisher agreed. Vice Chair Ramsburg noted that "affordable" is reference in 3.1 and that it could be reiterated in 3.2 and also noted that this would simply reinforce what is already in the statute.

Kyle Schafer then asked if the categories were standard and Jimmy Gianato confirmed that they are standard categories taken from the Division of Purchasing.

With no more discussion on the EOI, Mike Keleman moved to accept proposed changes and Lee Fisher offered the second to the motion. Motion carried.

Next item of business on the agenda was legislative rules. Vice Chair Ramsburg noted that the Council is not yet ready to move forward on the legislative rules due to the work involved with the preparation of the EOI. Discussion on legislative rules will be carried to next meeting.

Outstanding written reports were the next topic of discussion. Vice Chair Ramsburg stated that the Council had received reports from the WV Council for Community & Technical College, the Higher Education Policy Commission and the State Superintendent of Schools. Reports were still needed from the Secretary of Administration and the WV Healthcare Authority. It was decided that all discussion on the reports would be held until all reports were in the possession of the Council. Jan Fox asked what was to be reported and Vice Chair Ramsburg stated that the legislation was very specific on what each report should entail. Senator Unger then suggested a subcommittee to review reports. This would allow agencies to develop questions and seek info for what the Council will need once a consultant has been hired. Senator Unger then made a motion for Kyle Schafer to head the subcommittee and Elaine Harris offered a second to the motion. Motion carried

Jan Fox then asked how the data is maintained. Senator Unger noted he would like the members of the subcommittee to not be limited to members of the Council. Vice Chair Ramsburg stated that Kyle Schafer and Kelley Goes as Chair of the Council would work together to compile members of the subcommittee as appropriate. Senator Unger made the motion and Jimmy Gianato offered the second. Motion carried.

Kyle Schafer then noted that Governor Manchin presented a question as to whether the Tower Fund and the TeleHealth Alliance were working together; how the groups could be bridged together. Vice Chair Ramsburg said that the Governor's Office had plans to keep track of the progress of all involved groups to make sure all are "on the same page." Senator Unger suggested a knowledge bank or some type of on-line format where people could access information and manage it on-line.

Other Business

Having no other business, the Council moved on to public comment.

Public Comment

Lee Fisher suggested that a potential future presentation should come from the Radio Operability Project.

Presentations

Les Shoemaker, Executive Director of the Hampshire County Development Authority explained the West Virginia Broadband Co-Op and how it runs fiber from Virginia to Hampshire County. Also in attendance with Mr. Shoemaker was Lynn McMaster, a member of the Board and it was also noted that Mr. McMaster had 30 years experience with NASA. Mark Bayliss, President and Founder of Visual Link was also in attendance. Visual Link serves Hampshire County and Mr. Bayliss explained that it now has a data center in Hampshire County and is still expanding.

It was explained to the Council that the goals of the project included lowering the cost of broadband and increasing the number of broadband ISPs. The group asked that letters of support be sent to the appropriate groups. Vice Chair Ramsburg noted that since the meeting was running long and many had to leave, the Council would discuss the matter with Chair Goes about the formulation of a letter of support.

Adjournment

The next meeting will be noticed for December 10, 2008 at 9:00 a.m. The meeting location, call-in number and agenda will be provided prior to the meeting.

With no other business, Lee Fisher moved that the Council adjourn and Jim Skidmore seconded the motion. Motion carried. The meeting adjourned at 11:18 a.m.